



APPLICATION ACCEPTED: June 28, 2013
BOARD OF ZONING APPEALS: September 11, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 4, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-050

MOUNT VERNON DISTRICT

APPLICANT & OWNER: Lindy L. Paull

STREET ADDRESS: 6415 Potomac Avenue, Alexandria, 22307

SUBDIVISION: New Alexandria

TAX MAP REFERENCE: 93-2 ((08)) (37) 15

LOT SIZE: 15,118 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-923

SPECIAL PERMIT PROPOSAL: To permit fence greater than 4.0 feet in height to remain in a front yard of a corner lot.

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

O:\rhomer\Special Permits\Paull Fence\Paull staff report fence.doc

Rebecca Homer

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcountv.gov/dpz/



For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-MV-050

LINDY L PAULL

CITY OF ALEXANDRIA

OLDE TOWNE ALEXANDRIA

PENN DAW



BELLEVUE BLVD

BELLEVUE

GROVETON

HYBLA VALLEY

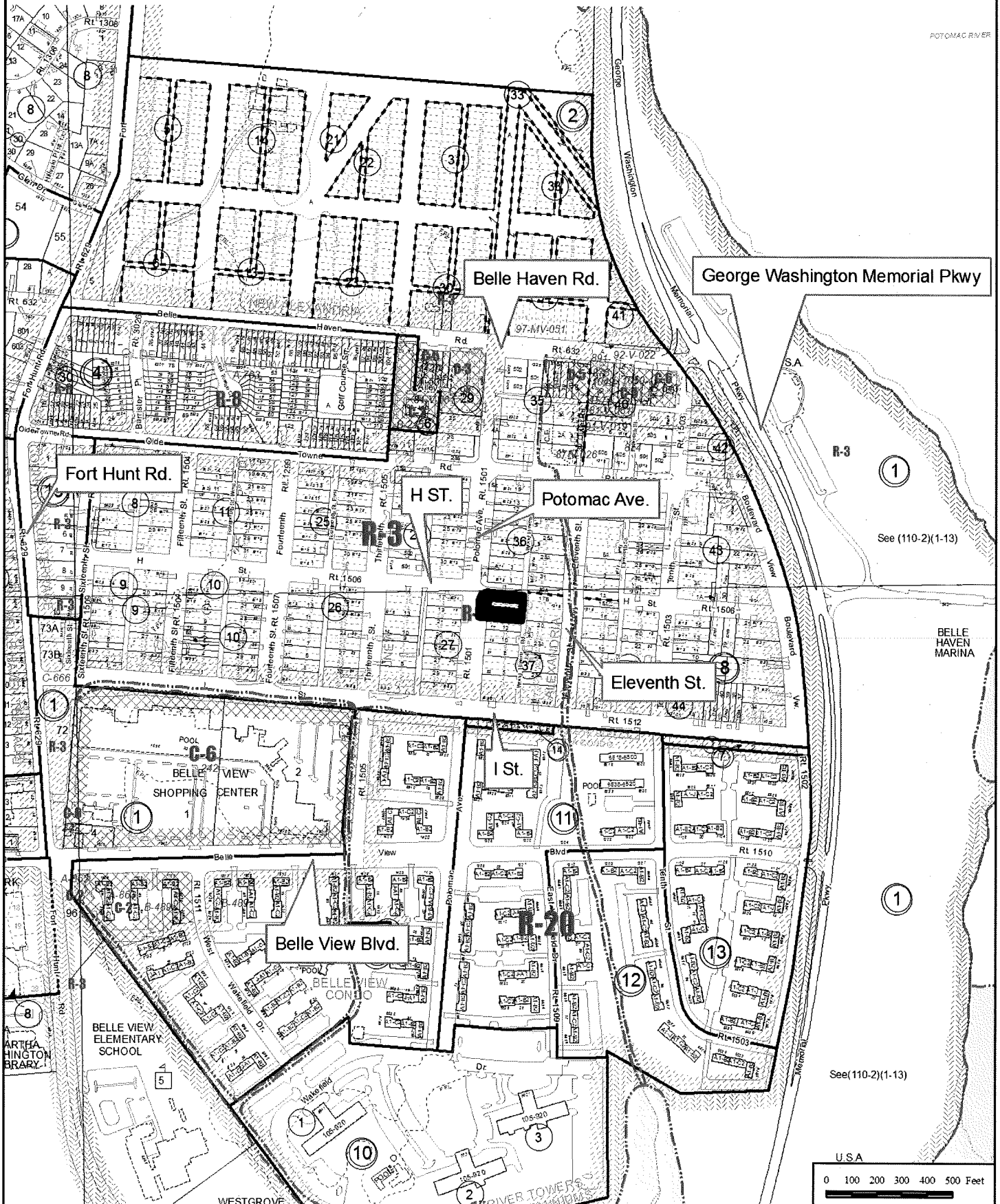
FORT HUNT

0 1,000 2,000 3,000 4,000 Feet

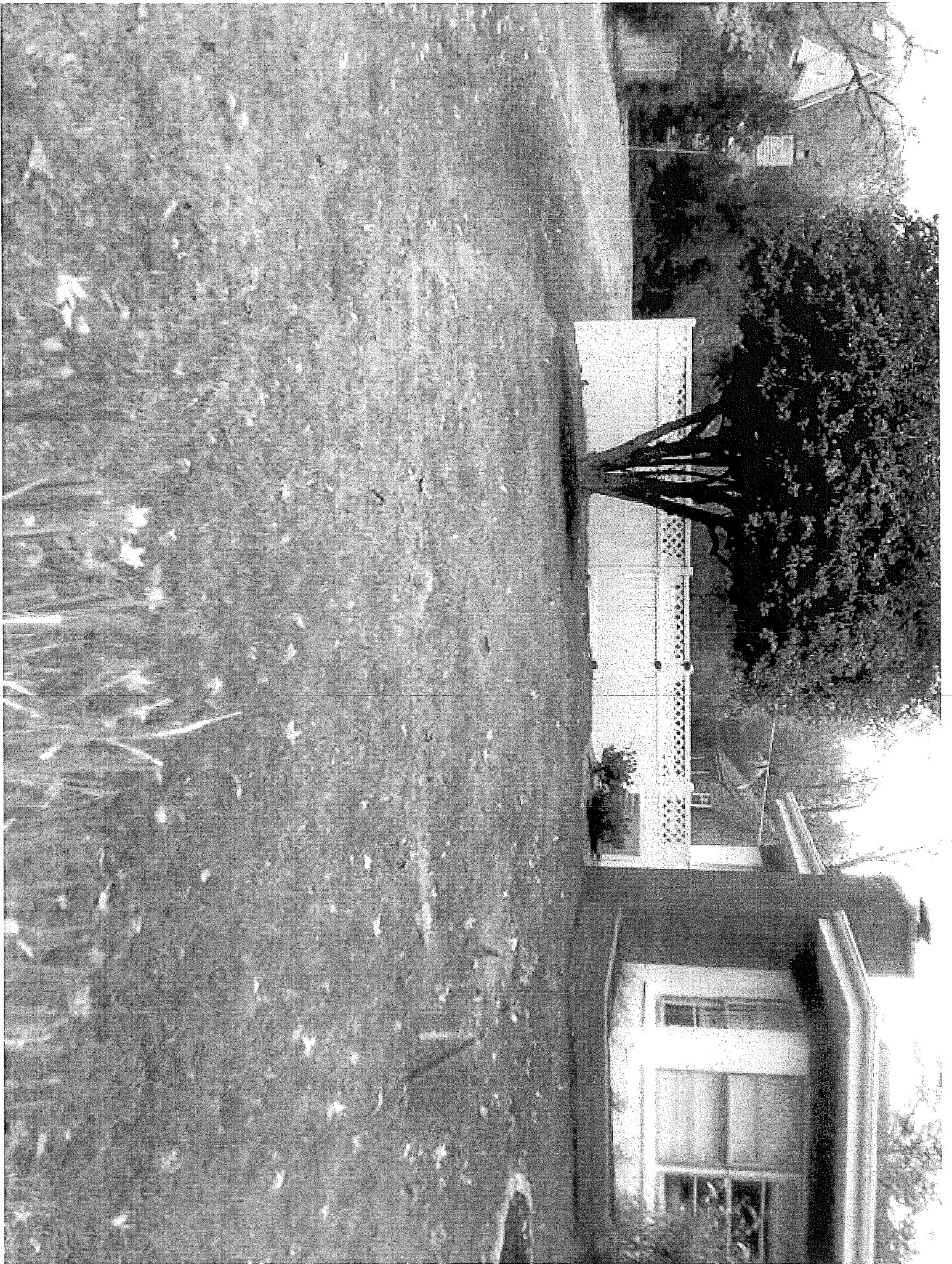
Special Permit

SP 2013-MV-050

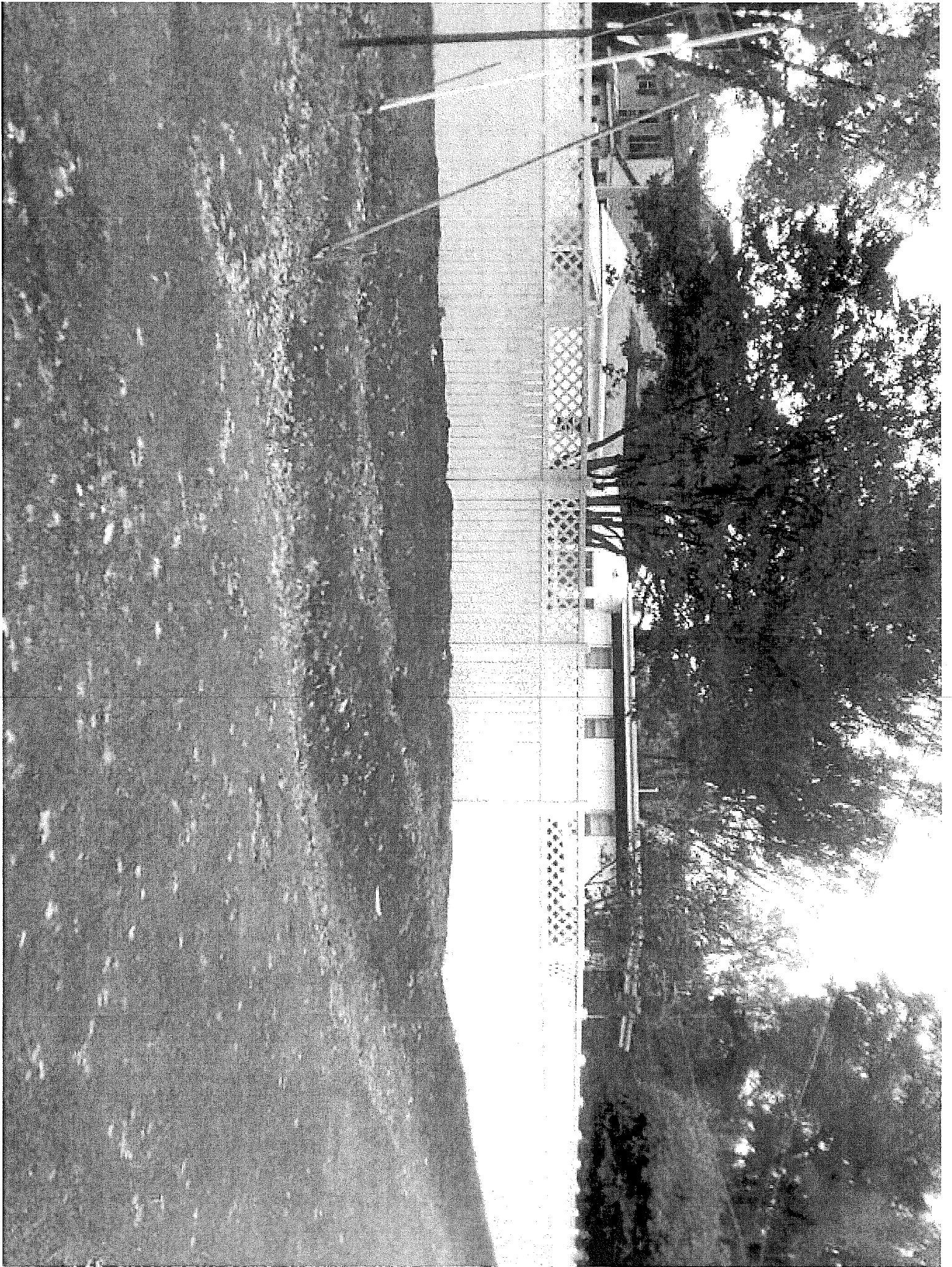
LINDY L PAULL



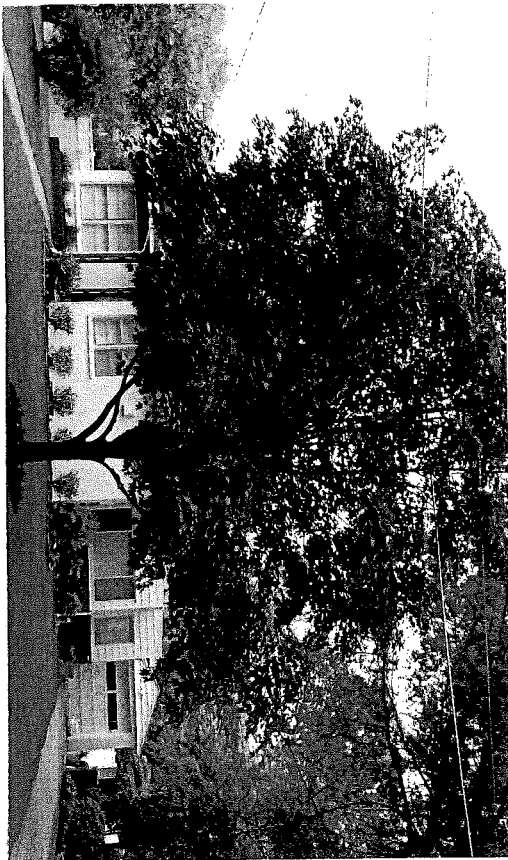




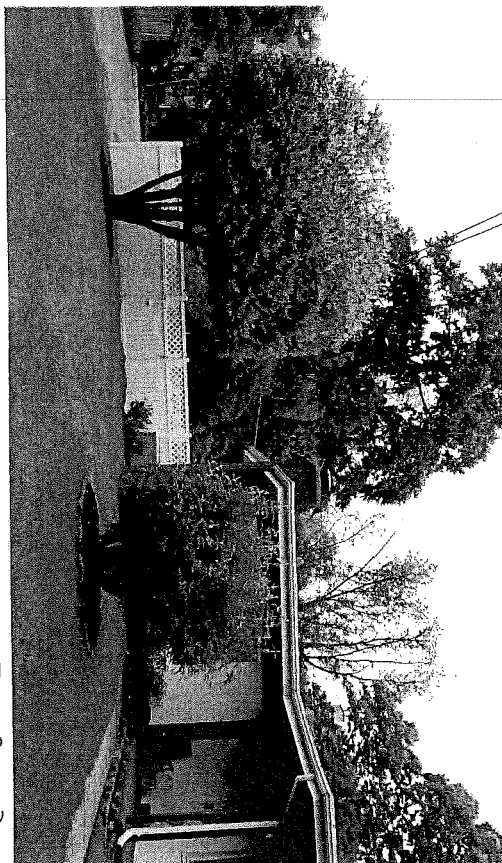




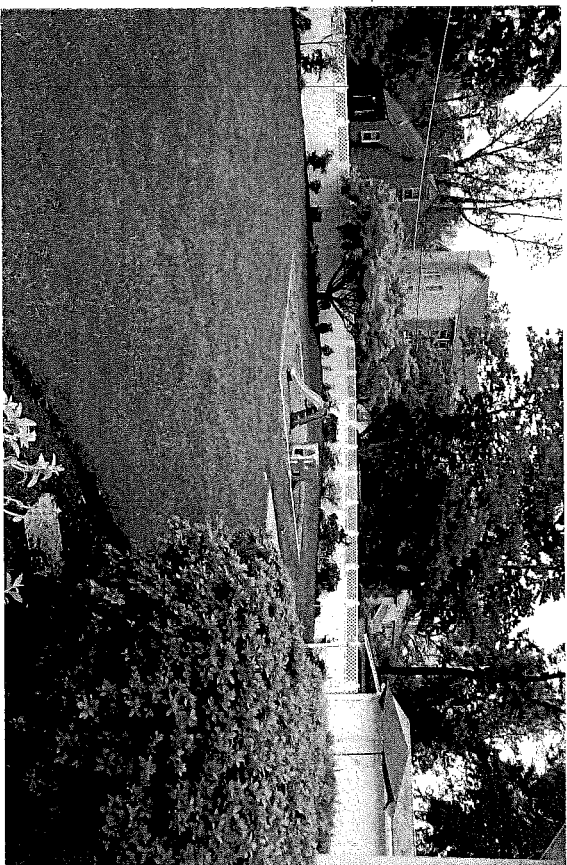
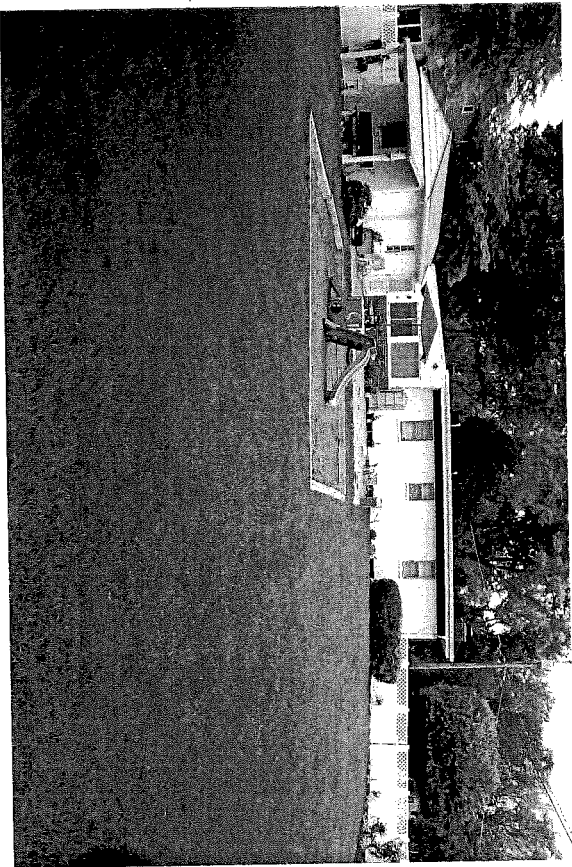
411 Photographs taken 5/21/13
 Judy & Paul



6415 Potomac Ave (front)

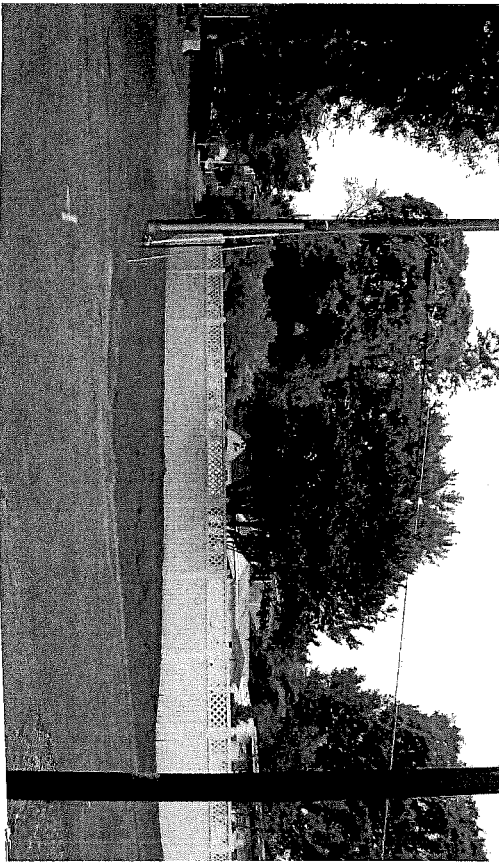


6415 Potomac Ave (H St. side from front)

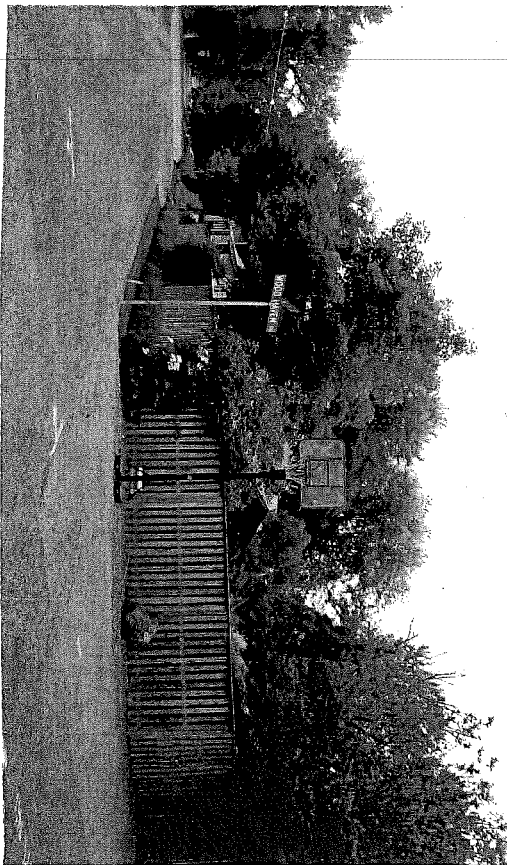


6415 Potomac Ave (back)

All Photographs Taken 5/21/13
Gwendy & Paul



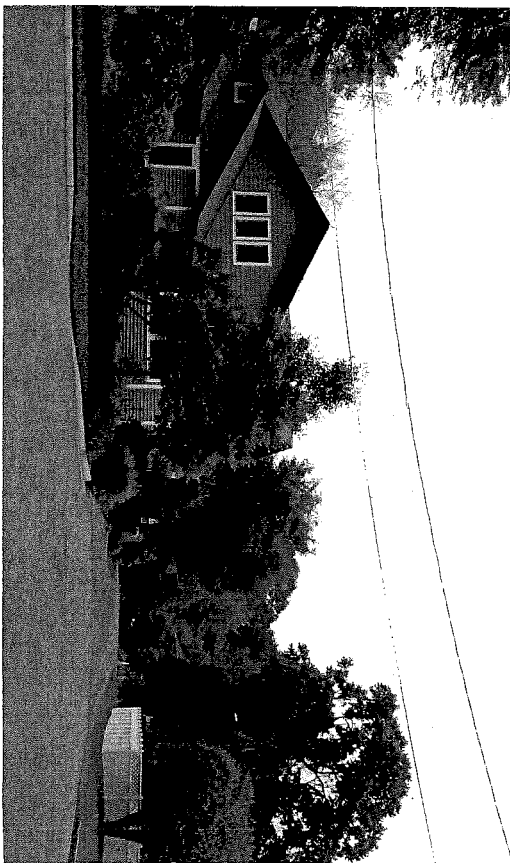
Intersection of H St & Wood Haven Rd (view of 6415 Potomac Ave)



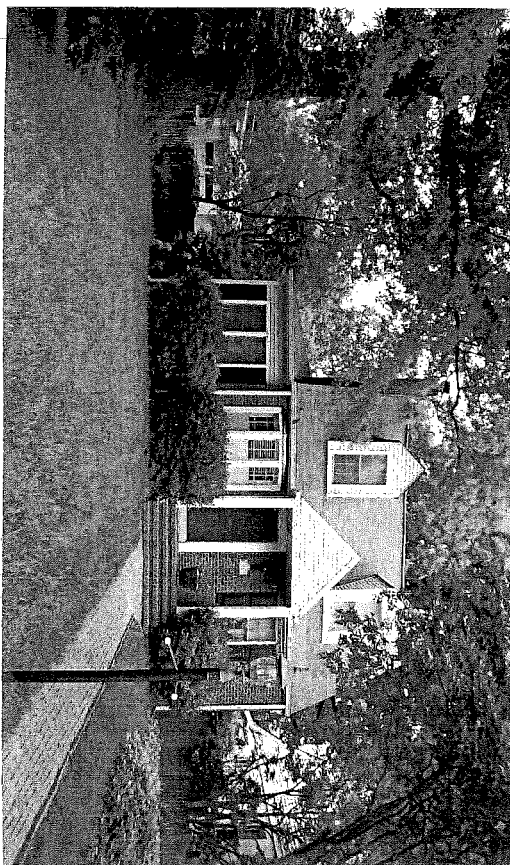
Intersection of H St & Wood Haven Rd (view behind 6413 Potomac Ave)



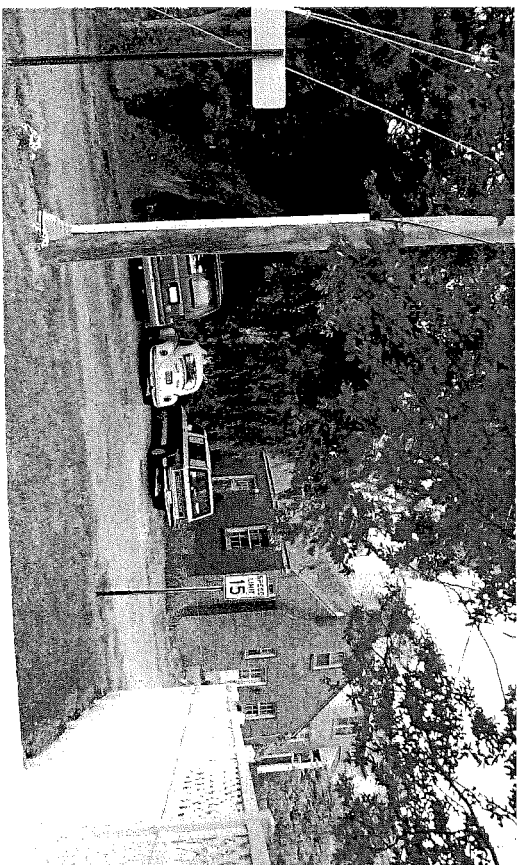
All Photographs Taken 5/21/13
 Cindy & Paul



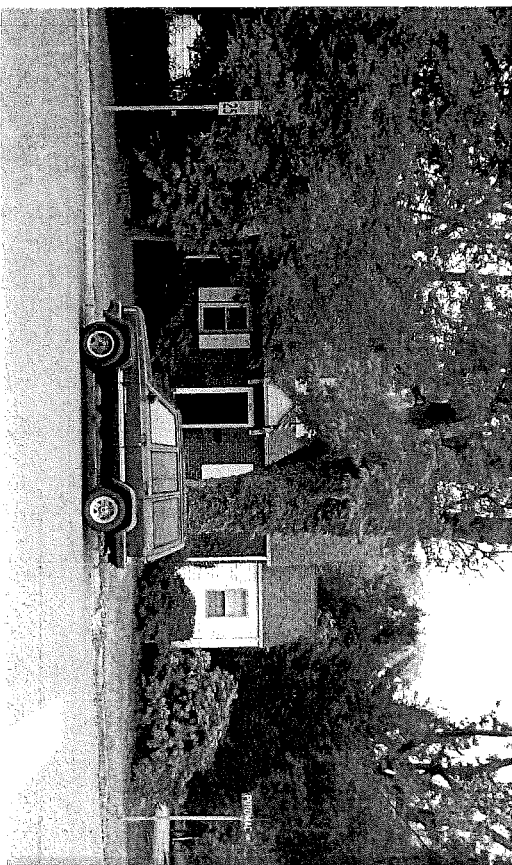
6913 Potomac Avenue (across H St. on right side)



6917 Potomac Avenue (adjacent on left side)



6915 Potomac Avenue (behind)



6914 Potomac Avenue (across the street)

DESCRIPTION OF THE APPLICATION

The applicant is seeking a special permit to allow an existing fence greater than 4.0 feet in height to remain in the front yard of a corner lot. An existing 6.0 foot tall vinyl fence is located within the northern front yard adjacent to H Street. The applicant indicates she constructed the fence to provide privacy and security.

The Zoning Ordinance currently permits fences 4.0 feet in height in a front yard by-right; however, through a special permit, an applicant can request a fence in the front yard up to 6.0 feet in height.

The fence appears to be located outside of the required sight distance per Section 2-505 of the Zoning Ordinance.

A special permit plat prepared by Dominion Surveyor's, dated June 3, 2013, and signed by George M. O'Quinn, Land Surveyor, is included at the front of this report.

EXISTING CONDITIONS

The 15,118 square foot lot is currently zoned R-3 and developed with one-story, single family detached dwelling. The corner lot also abuts an alley, Wood Haven Road. Front yards are located along Potomac Avenue and H Street. The dwelling faces Potomac Avenue. The site is accessed via a hard surfaced driveway from Potomac Avenue which extends to an attached single car garage. An awning projects off the rear of the garage.

The plat depicts an existing play set, 10.5 feet in height in the backyard. The play set is outside of all minimum required yards. A patio with associated 1.0 foot tall stone wall is located off the rear of the dwelling.

A 6.0 foot tall vinyl fence encloses the rear yard, connecting to the dwelling. The existing fence is located along the north side of the lot along the front yard facing H Street and also a portion of the eastern rear lot line adjacent to Wood Haven Road.

The yard contains mature trees and foundation plantings.

CHARACTER OF THE AREA



BACKGROUND

The house was constructed in 1955. A variance was approved on June 23, 1965, to allow a reduction of the minimum required side yard to 5.6 feet for the existing garage.

The applicant purchased the property on July 10, 2012. The applicant subsequently constructed a fence on the property.

On September 24, 2012, the Department of Code Compliance conducted a site visit in response to a citizen complaint and determined there was a zoning violation. On October 4, 2012 a Notice of Violation (NOV) was sent to the property owner citing them for a fence greater than 4.0 feet in height in a front yard. A copy of the NOV is attached as Appendix 4.

County records reflect that there have been no applications heard by the Board in the immediate vicinity for fences exceeding 4.0 feet in height in a front yard.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903 and 8-923 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated October 4, 2012
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-MV-050

September 4, 2013

1. This special permit is approved for the location and maximum height of a 6.0 feet vinyl fence as shown on the plat prepared by Dominion Surveyors, dated June 3, 2013, submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 1, 2012
(enter date affidavit is notarized)

I, Lindy L. Paull, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
[] applicant's authorized agent listed in Par. 1(a) below

118508

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lindy L. Paull	7000 Clemson Drive, Alexandria VA 22307	Applicant Title owner
Marcie Carpenter	6415 Potomac Ave, Alexandria VA 22307	Lessee (not related to Applicant/Title owner)

(check if applicable) [] There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 1, 2012
(enter date affidavit is notarized)

118508

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Not Applicable.

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 1, 2012
(enter date affidavit is notarized)

118508

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

Not applicable.

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 1, 2012
(enter date affidavit is notarized)

118508

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 1, 2012
(enter date affidavit is notarized)

118506

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

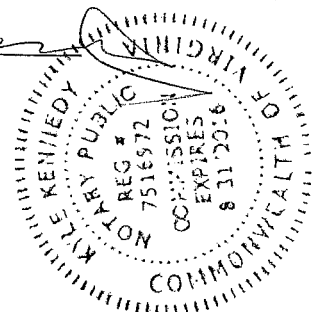
Lindy L. Paull
☒ Applicant [] Applicant's Authorized Agent

Lindy L. Paull
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1 day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 8/31/10

[Signature]
Notary Public



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s). *Residential use only.*
- B. Hours of operation. *None.*
- C. Estimated number of patrons/clients/patients/pupils/etc. *None.*
- D. Proposed number of employees/attendants/teachers/etc. *None.*
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. *None.*
- F. Vicinity or general area to be served by the use. *N/A*
- G. Description of building facade and architecture of proposed new building or additions.
6-foot fence attached to the back of the house & garage, running along rear sides and back yard of property.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. *None.*
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

In July 2012, I purchased the residence at 6415 Potomac Avenue for future use as my residence when, due to age and health, I find it necessary to downsize and live on one level. In the interim, I am renting this home. The northwest side of the residence is located at the end of H Street with a footpath going over a tributary of the Potomac River into an adjacent neighbourhood. I constructed a 6 foot fence attached to the back of the house and garage. The fence runs along the back sides of the property and the rear yard to provide security and privacy from strangers. Originally the fence encroached on the corner of H Street and Wood Haven Road (an alley) but this has been corrected to leave open (no fence) 30 feet from the property corner along each of these streets. As noted in the compliant, the side of my corner lot property along H Street is subject to a 4 foot restriction for a fence. I am requesting a special permit to authorize a 6 foot fence, attached to the rear of the house and garage, and running along the rear sides and the back of my property (except for the 30-foot open space from the property corner along H Street and Wood Haven Road).



County of Fairfax, Virginia

APPENDIX 4

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: October 4, 2012

SHERIFF'S LETTER

CASE #: 201206882 SR#: 88183

SERVE: Lindy L. Paull
7000 Clemson Drive
Alexandria, VA 22307

**LOCATION
OF VIOLATION** 6415 Potomac Avenue
Alexandria, VA 22307-1429
Tax Map #: 93-2 ((8)) (37) 15
Zoning District: R-3

Dear Property Owner:

An inspection of the above referenced property on September 24, 2012, revealed the following violations of the Fairfax County Zoning Ordinance.

§ 10-104 (3B) Accessory Fence Exceeding 4' in the Front Yard
§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined the presence of a 6' tall accessory fence in the front yard of this property, which is less than two (2) acres in area. The Fairfax County Zoning Ordinance permits accessory fences in the front yard so long as they are in conformance with Par. 3B of Sect. 10-104 of the Zoning Ordinance, which states:

Except as may be qualified by Sect. 2-505, a fence or wall may be located as follows. Such regulations shall not be deemed to negate the screening requirements of Article 13.

A. In any yard on any lot containing not less than two (2) acres located in the R-A through R-1 Districts, a fence or wall not exceeding seven (7) feet in height is permitted.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

B. In any front yard on any lot, a fence or wall not exceeding four (4) feet in height is permitted. However, in that portion of a front yard on a residential corner lot that abuts a major thoroughfare, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, may be permitted, provided that:

- (1) the driveway entrance to the lot is from a street other than the major thoroughfare and the principal entrance of the dwelling faces a street other than the major thoroughfare, and
- (2) the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare or service drive adjacent to the major thoroughfare.

The fence shall not extend into the front yard between the dwelling and the street other than the major thoroughfare and shall also be subject to the provisions of Sect. 2-505.

In addition, an increase in fence height in the front yard up to six (6) feet may be permitted with the approval of a special permit by the BZA in accordance with Part 9 of Article 8.

Therefore, as this accessory fence exceeds four feet (4') in height in the front yard contrary to the provisions of Par. 3B of Sect. 10-104 of the Zoning Ordinance, you are in violation of Par. 3B of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the fence from the property in its entirety; or
- Reducing the height of the fence to four feet (4') in the front yard.

As an alternative, you may apply to the Fairfax County Board of Zoning Appeals (BZA) and seek approval of a Special Permit to allow the accessory fence to remain at a height of up to six (6) feet and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

§ 2-505 (1) Corner Lot – Obstructed Sight Distance:

An inspection of this corner lot has revealed that a fence is of such size and location that it has obstructed the sight distance at the intersection of H Street and Wood Haven Road. The location of this fence is in violation of Par. 1 of Sect. 2-505 of the Fairfax County Zoning Ordinance which states:

On every corner lot within the triangle formed by the street lines of such lot and a line drawn between points on such lines as established below, there shall be no structure or planting of such nature and dimension as to obstruct sight distance other than a post, column or trunk of a tree (but not branches or foliage), which is not greater than one (1) foot in cross section or diameter. Such sight distance shall be maintained between two (2) horizontal planes, one of which is three and one-half (3 ½) feet, and the other ten (10) feet above the established grade of either street or, if no grade has been officially established, then above the average elevation of the existing surface of either street at the center line thereof:

- For a lot having an interior angle of ninety (90) degrees or more at the street corner thereof: Points shall be (30) feet from the property lines extended.
- For a lot having an interior angle of less than ninety (90) degrees at the street corner thereof: Points shall be 30 feet from the property lines extended, plus one (1) foot for every ten (10) degrees or major fraction thereof by which such interior angle is less than ninety (90) degrees.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance must be accomplished by:

- Removing or relocating or reducing the height of the fence so as not to exceed a maximum height of three and one-half (3½) feet for thirty (30) feet from the front property lines extended.

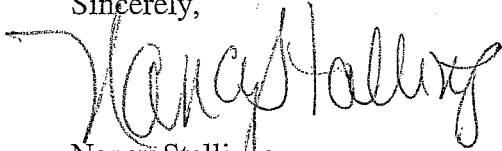
A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written

statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact the Zoning Administration Division at 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035, Phone # 703-324-1314 or obtain information and forms at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1317 or (703)324-1300.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Stallings".

Nancy Stallings
Code Compliance Investigator

☐ PERSONAL SERVICE

☒ Being unable to make personal service a copy was delivered in the following manner:

☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information of it's purport. List name, age of recipient, and relation of recipient to party named above.

☒ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ Served on a Secretary of the Commonwealth.

☐ Not found

SS Consable

SERVING OFFICER

Stan G. Barry, Sheriff

Fairfax County, VA

10-4-12

DATE

DCC Inspection Report

(Inspection # : 5810996)

CASE # : 201206882

Service Request # : 88183

Date Rcvd : 09/21/2012

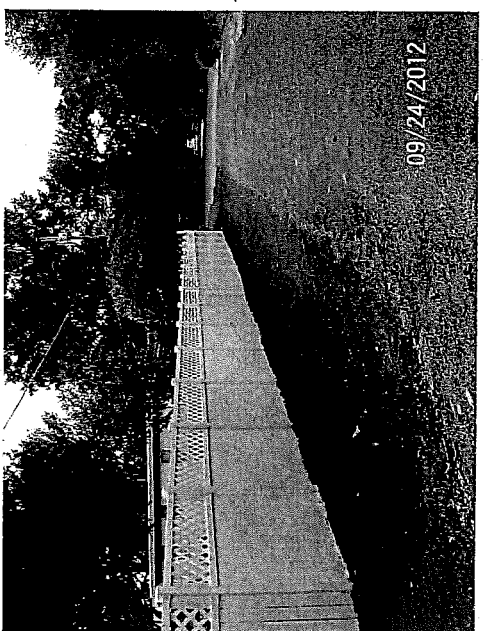
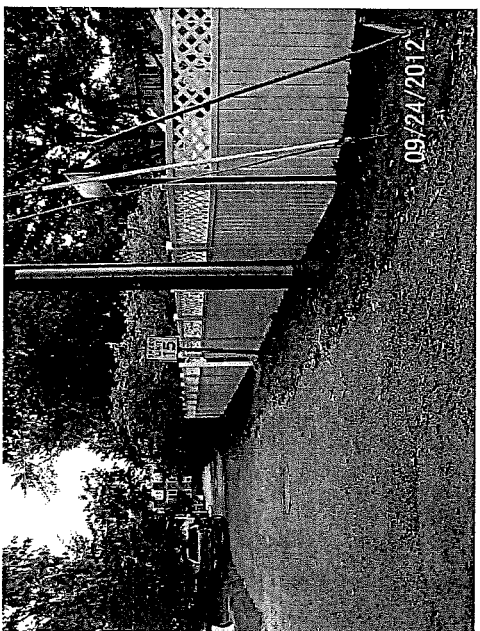
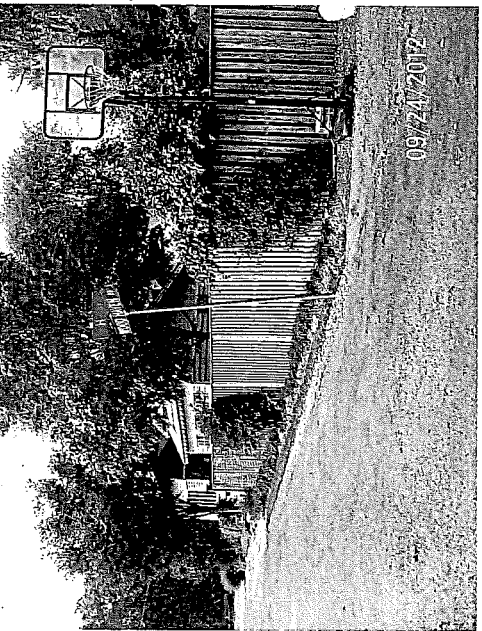
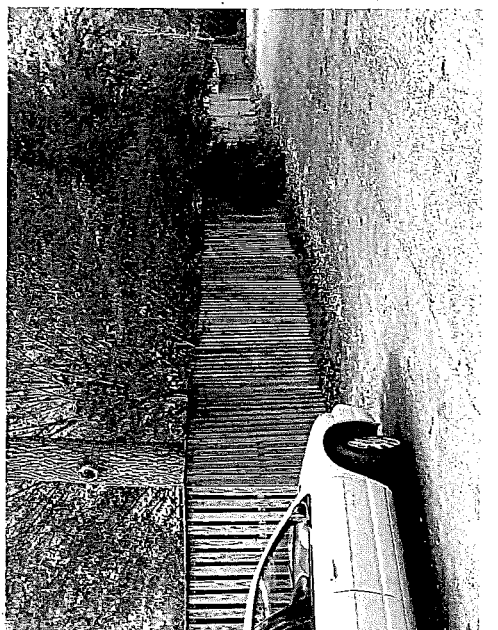
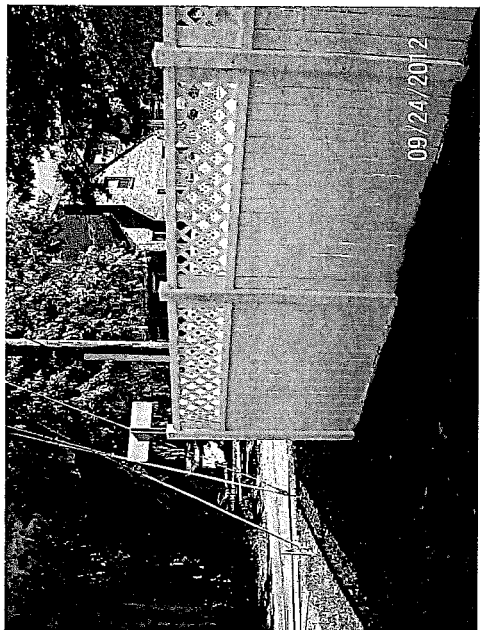
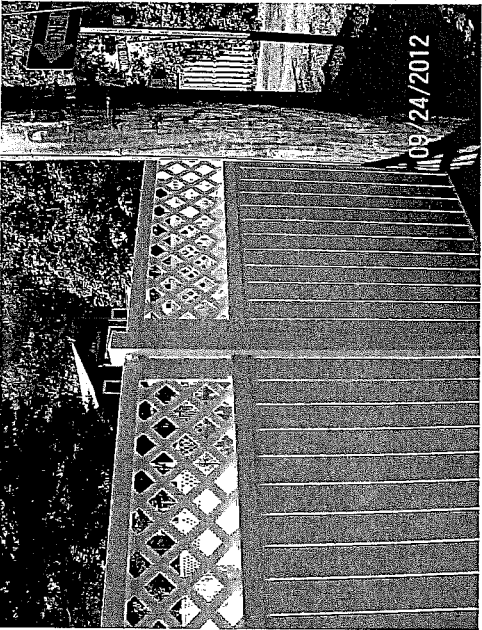
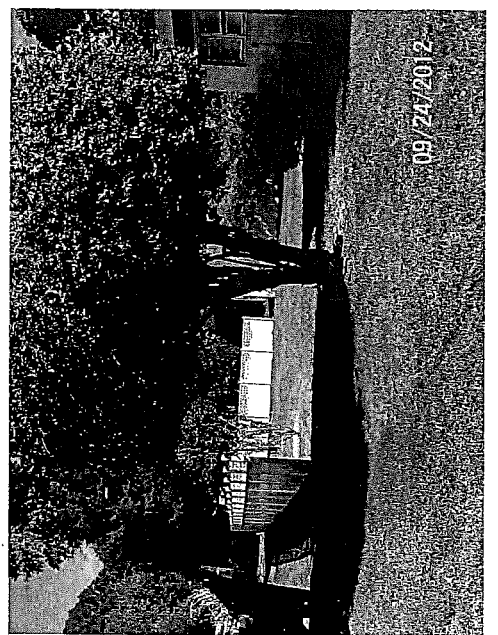
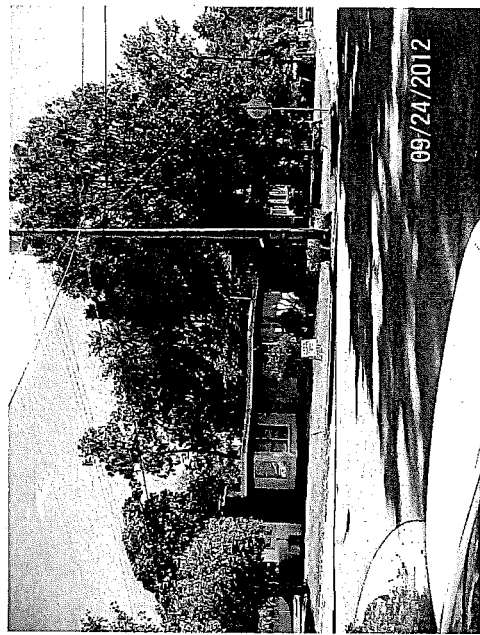
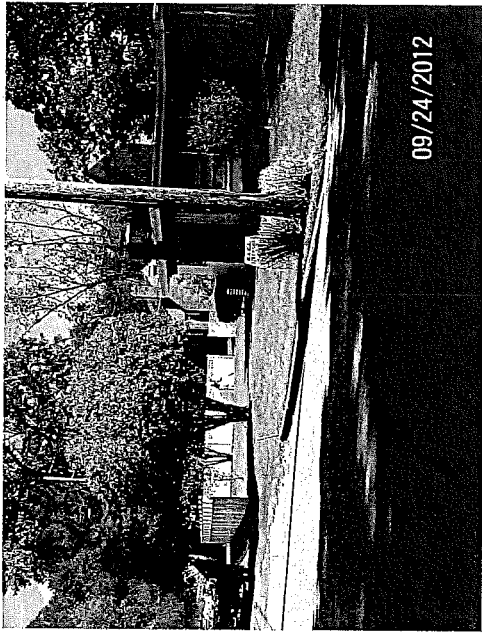
Problem Code : CZAFF: Accessory Fence In Front Yard

Assigned To : STALLINGS

Res.Code : OPEN

Location: 6415 Potomac Av, Alexandria VA 22307-1429

<u>Inspection Date</u>	<u>Inspection #</u>	<u>Inspection Status</u>	<u>Insp Sqnce #</u>	<u>INSPBY</u>
09/24/12 0:00	5810996	FAILED	1	NSTALL
<p>Inspection conducted on 9-24-12 by Invest. Stallings.</p> <p>A plastic 6' fence was being installed in the front lot of this corner lot on Potomac Avenue. I spoke with the lawn care company hired to install the fence. They were unaware of the location violation. There was a sight distance issue at the corner of 10th street and the alley. (know known as Wood Haven Road) Left a note for the owner to call.</p> <p>Discussed the issue with Steve and Mike- part of the property adjacent to H Street is titled Outlot E on the plat. The property sits 12' from the side property line and clearly outside of the outlot section. The fence has been built on the outlot. One can not construct on an outlot so either way the fence can not remain in the outlot or on the front yard of the property unless there is a BZA action.</p> <p>Owner will be advised to remove, reduce in height or apply for a variance/special permit.</p>				
<u>CODE</u>	<u>Code Violation</u>	<u>Status</u>		
10.104.3B	ACCESSORY FENCE IN FRONT YARD			
02.505	SITE DISTANCE OBSTRUCTION			
CERC FINAL	ENTER RESOLUTION CODE			
<u>LOG ACTION</u>				
<u>Date</u>	<u>LOG TYPE</u>	<u>Comments</u>		
09/27/12	Meeting	Met with owner to explain and show confines of fence in front yard and sight distance.		
09/25/12	Violator Called	Spoke with owner and agreed to meet to further explain the location requirements		
09/21/12	Assigned Case To Inspector	CZONE #1 ASSIGNED TO: NANCY STALLINGS		



8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.